

**ASSEMBLY SQUARE MIXED-USE DISTRICT**

March 1, 2004

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Delete the following items from the SZO:

- PUD-A use column from Table 7.11
- BPA and IPA use columns from Table 7.11
- BPA and IPA dimensional columns from Table 8.5
- Section 6.1.11 (BPA) and Section 6.1.12 (IPA)
- Section 6.1.16 (Highway Overlay Districts)

## **ARTICLE 2. DEFINITIONS**

- Replace existing Section 2.2.36 with the following:

**2.2.36 DEVELOPMENT.** The construction, reconstruction, conversion, alteration, relocation or enlargement of any building or other structure, or excavation, land fill or mining, or any use or change in use of any building or other structure, land or extension of use of land for which SPGA review and/or approval is required by this Ordinance (but excluding findings under Section 4.4.1).

- Replace existing Section 2.2.146 with the following:

**2.2.146 SITE PLAN APPROVAL.** A process providing for public review and approval of development plans within certain zoning districts of the City where dimensional and design standards are set forth which supersede the normally applicable standards.

## **ARTICLE 5. SPECIAL PERMITS, SPECIAL PERMITS WITH SITE PLAN REVIEW, SITE PLAN APPROVAL AND VARIANCES**

Add a new Section 5.2.7.:

### **“5.2.7. Special Permit with Site Plan Review-A**

Special Permit with Site Plan Review-A (SPSR-A) is a form of Special Permit with Site Plan Review permitted in the Assembly Square District under Section 6.4. The procedure and submission requirements for an SPSR-A are described in Section 6.4.9. When Section 6.4.9 is not specific about a requirement for SPSR-A submission or procedure, Section 5.2. shall apply. The requirements of Section 5.2 shall not apply to the extent that they conflict with the requirements of § 6.4. Refer to Section 6.4.9 for more information on the SPSR-A.”

## **ARTICLE 6. ESTABLISHMENT OF ZONING DISTRICTS**

- Replace existing 6.1.15 with the following:

### **6.1.15. Waterfront Overlay District**

#### **A. Purpose and Applicability**

The Waterfront Overlay District establishes areas adjacent to the Mystic River and the Mystic River Reservation where preservation of significant open space and enforcement of high standards of architectural design are public policy goals promoting important public benefits. Areas within a Waterfront Overlay District are highly visible to the regional population, and as such all development therein exerts considerable impact on the City's image, welfare, and enjoyment of its citizens -- economically, functionally, and aesthetically.

All Developments located in a Waterfront Overlay District requiring review by the SPGA shall be reviewed for their consistency with protecting and enhancing the Mystic River Waterfront. The Planning Board shall serve as the Special Permit Granting Authority in the Waterfront Overlay District.

## **B. Specific District Standards and Guidelines**

The Waterfront Overlay District shall consist of all areas in the Assembly Square Mixed-Use District between the bank of the Mystic River, as defined in 310 CMR 10.54.2(c), and a line constructed parallel to the bank three hundred (300) feet landward. Any parcel of land located in a Waterfront Overlay District shall continue to be subject to the use regulations of the underlying district in which it is located. Dimensional requirements shall be those specified in the underlying district. New Developments within the Waterfront Overlay District shall comply with the following additional design guidelines, which shall be reviewed as part of an SPSR-A or PUD-A application, as applicable.

1. All development should be designed to complement and harmonize with adjacent land uses (existing and proposed) with respect to architecture, landscaping and screening. Building materials of masonry brickwork, stone, wood, and glass are encouraged, to reflect the natural setting of the Mystic River. Pre-cast concrete panels and large expanses of glass facade are generally discouraged.
2. New structures and additions to existing structures within the Waterfront Overlay District shall be reviewed by the SPGA for effects of wind shadows, and other conditions at ground level insofar as they affect the users of the Mystic River and adjoining parkland. In this review, the SPGA shall determine if the public benefits provided by enhancements and activation of the Open Space in the Waterfront Overlay District outweigh the public detriments associated with ground level effects due to the proposed Development.
3. No structures, with the exception of park buildings in the waterfront parkland which provide direct support of public access and use of that parkland, shall be located within 150 feet of the bank of the Mystic River as defined in 310 CMR 10.54.2.(c).. Construction of new surface parking facilities within 200 feet of the bank of the Mystic River shall not be allowed.
4. Street and roadways will be allowed but must include sidewalks and landscaping to provide an attractive connection for pedestrian use, and to complement adjacent parkland.

5. A detailed landscape plan shall be submitted as a part of site plan approval for development in the Waterfront Overlay District, at the same scale as the submitted site plan. Special emphasis shall be given to designing and implementing landscape improvements and Usable Open Space along the Mystic River side of the property. It is intended that landscaping soften the impact of buildings and paved areas as seen from the river, adjacent public open space, and adjacent vehicular thoroughfares. Landscaping utilizing indigenous or naturalized plant materials is encouraged.

6. There shall be at least one (1) pedestrian sidewalk connection between any parcel in the ASMD and the adjacent Mystic River Reservation and public open space. The sidewalk shall be a minimum eight (8) feet in width, be of concrete or other all-weather paved surface, and have minimal slope, changes in grade level, or stairs, so as to be accessible and usable to the greatest number of people. Other pedestrian ways, small plazas and gazebos, sitting areas and like improvements are strongly encouraged.

7. It is intended to encourage buildings with an orientation to the Mystic River, with ingress/egress to the structure opening onto the site's landscaped area and Mystic River Reservation. In addition, it is intended that new buildings have a visual and functional orientation to other like buildings. Developers are strongly encouraged to place major points of entry to their buildings in a manner facing and visible to the points of entry of nearby buildings, affording opportunity for the space between such buildings to be developed as useable open space and/or pedestrian connections.

8. Where practical, grade levels of parking structures should be used for purposes other than vehicle storage. Retail, restaurant and other uses generating pedestrian traffic are encouraged. This is expected to be most applicable to those portions of a garage immediately adjacent to and facing usable open space -- particularly when facing the Mystic River reservation or landscaped corridors leading to the reservation -- or when facing a public street with retail uses located on parcels fronting and oriented to said street and adjacent to the Development in question. Views into parking structures should be screened if possible, and in all cases at least softened through use of landscaping and/or an architectural/ornamental treatment approved by the SPGA. Lighting within a parking garage shall not be directed towards the exterior of the structure, and shall not cause glare or excessive reflection beyond the structure itself.

9. Structures should be oriented so that a visual wall is not created along the Mystic River, and designed so that views to the river from other nearby properties are maintained. As an aid to satisfying this intent, landscaped area and/or usable open space corridors of a minimum fifty (50) feet in width shall be provided on all lots within the Waterfront Overlay District, and shall extend through the full three hundred (300) foot width of the District. A developer or applicant may deviate from these strict standards if he/she can demonstrate to the SPGA full compliance with the intent herein to preserve river views and open space, and that an alternative plan will fulfill this intent in a manner at or exceeding these standards.

**C. Bonus Incentives for Publicly Accessible Usable Open Space**

Development within a Waterfront Overlay District is strongly encouraged to provide publicly accessible usable open space, and the bonuses/ incentives of Article 17 with respect to public usable open space shall apply to all lands within the Waterfront Overlay District. To be eligible, the open space shall be a minimum of one thousand (1,000) square feet in area. It is intended that any public dedication of open space be contiguous to and/or linked to the existing public open space along the Mystic River, and that any improvements enhance the public's access to and enjoyment of the river corridor.

**D. Applicability to Lots Located Only Partially in Overlay District**

When the Waterfront Overlay District divides a lot and overlays only a portion thereof, District standards and guidelines shall apply as follows:

1. All lands, structures and buildings on the lot, which are wholly within the District boundaries, shall be subject to all requirements of this Section 6.1.15.
2. Standards and guidelines as to architectural treatment and materials shall apply to the entire extent of any structure or building facade that is fifty percent (50%) or more within the District boundaries.

**E. Conflict in Standards**

Unless otherwise specifically set forth herein, where this Section 6.1.15 specifies some standard or establishes some other requirement contrary to or inconsistent with a requirement elsewhere in this Ordinance, the more restrictive requirements shall govern.

Replace existing Section 6.1.19. (PUD-A) with the following:

**“6.1.19 Planned Unit Development Overlay District A (PUD-A)”**

See Section 6.4 (Assembly Square Mixed-Use District) for the purpose, standards and guidelines for the use of the PUD-A. When Section 6.4 is not specific about a requirement for PUD Master Plan submission or procedure, Article 16 shall apply, although in any situation where the requirements of Section 6.4 and the requirements of Article 16 conflict, the requirements of Section 6.4 shall apply to the exclusion of the conflicting requirements of Article 16.”

- Replace existing Section 6.4 with the following:

**SECTION 6.4 ASSEMBLY SQUARE MIXED-USE DISTRICT (ASMD)**

**6.4.1 PURPOSE**

The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The

ASMD zoning is designed to allow the district to reach these goals. The major objectives of the ASD Plan are the following:

- A. Facilitate development of a mix of uses including residential, office, research and development, retail, hotels, cinemas, performing arts and institutional uses;
- B. Increase real estate investment and maximize development;
- C. Create new jobs at a variety of income and skill levels;
- D. Promote accessibility to and within the district by improving existing and creating new roadways, pedestrian walkways and bicycle paths;
- E. Replace vacant or underutilized land, low-density development, and incompatible uses with high-density mixed-use development;
- F. Improve utilities and infrastructure;
- G. Clean environmentally contaminated sites to a level suitable for a mix of uses including residential;
- H. Improve the Mystic River waterfront and create new public open space;
- I. Encourage transit-oriented development; and
- J. Increase the supply of affordable housing units within the City of Somerville.

#### **6.4.2 DEFINITIONS**

Unless specific definitions are provided below, all definitions from Article 2 are applicable. For the purposes of this Section, the following definitions shall also be used, and shall supersede any conflicting definitions listed in Article 2:

***APPROVED PLANNED UNIT DEVELOPMENT (PUD):*** All Developments, whether existing or proposed, within the ASMD that are included in a PUD for which a Preliminary Master Plan Approval under Section 16.10.1 has been issued prior to the first publication of notice of the public hearing for the enactment of this ASMD, as such PUD may be modified from time to time in accordance with the provisions of Section 16.11, or this Section 6.4, as applicable; provided, however, any provision in such an approval requiring the expiration of an appeal period or the disposition of any appeal shall not affect an Approved PUD.

***ASMD:*** The Assembly Square Mixed-Use District as shown on the Map of the District.

***ASD PLAN:*** The following plans and guidelines, including any subsequently approved amendments or modifications, constitute the ASD Plan:



- \* *Assembly Square Planning Study: A Vision and Implementation Plan for the Future*, prepared for the Somerville Office of Housing and Community Development (OHCD), dated October 2000;
- \* *Assembly Square Revitalization Plan: 2002 Major Plan Change*, prepared by the Somerville OHCD, dated May 2002;
- \* *Assembly Square: Design Guidelines for the Public Realm*, prepared for the Somerville OHCD, dated March 2002;
- \* *Assembly Square Transportation Plan (ASTP)*, prepared for the Somerville OHCD in conjunction with the Commonwealth of Massachusetts Highway Department and the Executive Office of Transportation and Construction, dated May 2003.

Any reference herein to the “ASD Plan” refers to these documents, as amended or modified. Copies of the ASD Plan and all supporting documents are available for review at the Planning Department in City Hall during normal business hours.

**BLOCK:** A parcel of land bordered on all sides by any combination of the following: (a) a road or other passageway for vehicles (excluding internal circulation within parking lots) and pedestrians, (b) a public park or open space dedicated to public use, or (c) a railroad right-of-way.

**GROUND FLOOR:** The first floor of a building that is not considered a basement as defined in Article 2.

**ISSUED OR issued:** When used in connection with a permit or approval under this Ordinance, the filing of a decision of the SPGA, where required, with the City Clerk (whether or not an appeal of such decision is filed).

**LARGE DEVELOPMENT:** Any Development on a Parcel or Parcels of land in common ownership involving a Building of more than 50,000 square feet. The size of each proposed Building shall be considered separately and shall not be aggregated for purposes of this definition.

**LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED):** A program operated by the US Green Building Council. More information on LEED including copies of worksheets can be obtained at [http://www.usgbc.org/LEED/LEED\\_main.asp](http://www.usgbc.org/LEED/LEED_main.asp) or by writing US Green Building Council 1015 18th Street, NW, Suite 805 Washington, DC 20036. Development projects in the ASMD are required to complete the applicable LEED worksheets and highly encouraged to attain LEED certification.

**MALL:** A collection of stores under one roof totaling more than 50,000 square feet of net retail space. A Mall may include business service and food service establishments.

**MBTA ORANGE LINE STATION ENTRANCE:** The location of the secured entrance to an existing or proposed Orange Line Station serving the Assembly Square area. The proposed location must be consistent with the location proposed in the Assembly Square Transportation Plan (ASTP).

**PERMITTED USES:** See Table of Permitted Uses attached as Appendix B.

**PHASE:** A portion of a PUD or Approved PUD identified as such in a Master Plan approval.

**PRIORITY PERMITTED USES:** Permitted Uses as shown on Appendix B by an asterisk that are eligible, pursuant to Section 6.4.5.B, for submittal, review and site plan approval as part of a Priority Development Process.

**PRIORITY DEVELOPMENT PROCESS:** A process available within the ASMD for coordinated reviews and approval of multiple Developments that contain at least one Priority Permitted Use.

**PROFESSIONAL TRAFFIC ENGINEER:** An individual who is registered by the Commonwealth of Massachusetts as a professional engineer in traffic engineering or transportation engineering or an individual who has been certified by the Transportation Professional Certification Board (an affiliate of the Institute of Transportation Engineers) as a Professional Traffic Operations Engineer. No other professional registration qualification may be substituted for this requirement.

**RENOVATION:** Alterations to an existing Building in order to effect repairs, improve the appearance or operation of the Building or to accommodate permitted changes in Use. Such renovations may include extensions, enlargements or exterior demolition of up to 5,000 square feet. Renovations may constitute Substantial Rehabilitation. The following changes to any existing Building shall be considered part of a Renovation but shall not be counted toward the 5,000 square feet: (a) creation of new entrances and exits and window openings or relocations or modifications to existing entrances and exits and window openings; and (b) modifications to, or relocations of, or creation of Loading spaces pursuant to Site Plan Approval-A.

**TRANSIT-ORIENTED USES:** Moderate to high density Residential, Office, research and development, or Institutional Uses together with complementary Retail and services in mixed-use developments within close proximity to a transit stop and with safe and secure pedestrian access.

**TRANSPORTATION STUDY:** A document prepared by a professional traffic engineer for an Applicant for a special permit within the ASMD that presents the potential increase in traffic volumes that may be generated by the proposed Development and which relates those potential traffic volumes to the roadway network (if necessary).

**TRANSPORTATION ACCESS AND IMPACT STUDY:** A document prepared by a professional traffic engineer for an Applicant for a special permit within the ASMD that presents the traffic impacts of a Development on the transportation system that surrounds the

Development. The study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition (as of the passage of this Ordinance, latest edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222).

**TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN:** A set of procedures, policies and practices which, when taken as a whole, are intended to reduce the number of single occupant vehicle trips traveling to or from a Site. Any TDM Plan should contain at least the following: (i) a description of the goals of the TDM Plan and its relationship to applicable city transportation policies and programs; (ii) a description of the transportation impacts of the Development, including, but not limited to, forecasts of overall and peak period employment, forecasts of trips generated and mode splits, parking demand and parking supply available, and transit demand and transit supply available; and (iii) a description of mitigating measures being undertaken which are designed to minimize the transportation impacts of the Development, which may include, but are not limited to, on-site transit facilities, transit use incentives, preferential location of car pool and van pool parking, Zip Car parking, on-site bicycle facilities including secure storage areas, staggered starting times and telecommuting opportunities.

**USE CLUSTER:** A designated group of Uses that can be changed from one to another without additional reviews within the ASMD.

#### **6.4.3 MAP OF DISTRICT**

The ASMD is described on a map entitled "Assembly Square Mixed-Use District and Waterfront Overlay District" dated March 1, 2004. The map is hereby made a part of the Somerville Zoning Ordinance and is on file in the office of the City Clerk.

#### **6.4.4 CONSISTENCY WITH ASD PLAN**

The ASD Plan describes the physical characteristics of the ASMD, including, but not limited to, existing buildings, utilities, roads, and environmental features. The ASD Plan also describes preferred development scenarios and the methods and procedures by which such development will achieve the preferred scenarios. The ASD Plan, when read in concert with this Section, establishes a comprehensive plan for development in the ASMD.

#### **6.4.5 USE REGULATIONS**

Within the ASMD, the following Use regulations shall govern. Should a Use regulation of this Section 6.4 conflict with a Use provision contained in other Sections of the Zoning Ordinance, the Use provisions of this Section shall apply. Uses not expressly authorized are prohibited. This Section shall not apply to uses lawfully in existence or to a special permit issued before the first publication of notice of the public hearing by the Planning Board of this Section, which shall continue to be governed by Article 4 of the Ordinance. An Approved PUD, which shall be required to comply with the conditions of the Preliminary Master Plan Approval and all Special

Permits and Site Plan Approvals previously issued by the Planning Board in connection with the Approved PUD, shall be governed by this Subsection, which shall supersede, except where specifically indicated otherwise, the other provisions of this Ordinance (except for the provisions of the Table of Uses).

**A. Table of Principal Use Regulations**

See Appendix B for TABLE OF PERMITTED USES

**B. Priority Permitted Uses**

The following uses shall qualify as Priority Permitted Uses within the ASMD.

- 1) Residential: Residential Uses within a Development that provide at least 150 new Dwelling Units, achieve an overall density of at least 50 units/acre for the average of the Residential Use in the Development and provide not less than the number of Affordable Housing Units required by Article 13, provided that:
  - a) Residential Uses constitute no more than 50% of the total Gross Floor Area of Uses within the Development; and
  - b) Retail Uses constitute no more than the equivalent of 100% of the Gross Floor Area of the Ground Floor of the Development.
- 2) Transit-Oriented Uses: Either Office, research and development, Residential, or Institutional Uses or a combination thereof, provided that:
  - a) Transit Oriented Uses occupy a single Building having a gross floor area of not less than 250,000 square feet which has an FAR of greater than 5.0 and is situated entirely within 1,000 feet of an MBTA Orange Line Station Entrance;
  - b) No Residential Use is greater than 50% of the total square footage within the Development; and
  - c) Retail Uses constitute no more than the equivalent of 100% of the Gross Floor Area of the Ground Floor of the Development.
- 3) Retail: Developments that replace Retail Uses in, or retenant vacant space in, an existing Mall with other Retail Uses, including Renovations necessary to facilitate such replacement or retenanting, provided that:
  - a) No new single Retail Use shall occupy more than 75,000 square feet of gross floor area; and

- b) Such Retail Uses shall not include any building and/or construction materials store or any drive-up use.
- 4) Approved PUD Mixed Use:
  - a) Any Phase of an Approved PUD for which a Special Permit has not yet been issued; or
  - b) A Major Amendment (as defined in Section 16.11.3) to any Phase of an Approved PUD, provided that any Retail Use proposed by such Major Amendment is not greater than the equivalent of 100% of the Gross Floor Area of the Ground Floor of the Development.

**C. Use Clusters**

- 1) In order to provide reasonable flexibility for certain conforming Uses to change to similar Uses in the ASMD, the following Use Clusters are designated. Within each Use Cluster in this Section 6.4.5, a use which is a Permitted Use under the ASMD, Use approved by Special Permit under the ASMD, or Priority Development Process under the ASMD may change to any other Use within that Use Cluster without additional review under the ASMD, provided the following criteria are met:
  - a) The gross floor area of the proposed Use shall not be greater than 105% of the gross floor area of the existing Use;
  - b) In the case of Residential Development, the proposed number of Dwelling Units shall not exceed the existing number of Dwelling Units; and
  - c) The only exterior changes to the Building allowed will be Renovations, and signage in accordance with Article 12.

The flexibility to move within Use Clusters does not apply to legally pre-existing nonconforming uses. A legally pre-existing nonconforming use may not be changed to another use within a Use Cluster, except in compliance with all applicable requirements of this Ordinance concerning Changes in Use, especially Article 4.

- 2) Office/R&D/Biotechnology Use Cluster
  - a) Office, other than medical
  - b) Medical office, medical or health clinic

- c) Laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products
- 3) Retail Cluster
  - a) Store selling convenience and grocery goods such as food, candy, newspaper, and tobacco products
  - b) General merchandise, department store, supermarket
  - c) Specialty food stores but not those intended for consumption on the premises, including candy store, meat market, delicatessen or bakery, but not a fast food service
  - d) Store selling or renting goods such as books, stationary, drugs, sporting goods including bicycles and accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories and the like that are typically of a size a customer can carry by hand
  - e) Store selling or renting video tapes
  - f) Store selling furniture, home furnishings, carpets or home appliances and equipment, including audio, computer and video equipment
  - g) Store selling hardware, paint, wallpaper, lawn and garden supplies (All operations conducted entirely within an enclosed building)
  - h) Sale or rental of equipment and supplies such as office furniture, home improvement equipment or tools (All operations conducted entirely within an enclosed building)
  - i) Crafts related store selling jewelry, t-shirts, crafts, etc. where production occurs on premises
- 4) Residential Cluster
  - a) Dwellings, multiple (7 or more units)
  - b) Artists housing (7 or more units)
  - c) Congregate housing (7 or more units)
- 5) Business Services Cluster

All uses listed under “Business Services” that are permitted in the ASMD by right or with a Special Permit with Site Plan Review, except funeral parlor; for-profit school for instruction in arts, skills or vocational training; kennel, boarding of household pets, pet store; and tattoo, body piercing and/or scarification facilities.

#### **6.4.6 DIMENSIONAL REQUIREMENTS**

##### **A. ASMD Table Of Dimensional Requirements**

Requirement	Permitted As-of Right in the ASMD	Uses requiring a Special Permit with Site Plan Review	Uses within a PUD-A or SPSR-A Uses if permitted as part of a Priority Development Process	Priority Permitted Uses			
				Housing	Transit Oriented Uses	Retail	Approved PUD Mixed Use
a. Minimum lot size (s.f.)	5000	10,000	20,000	20,000	20,000	20,000	20,000
b. Maximum FAR	1.0	2.0	10.0	10.0	10.0	Not applicable	4.0
c. Minimum lot area/dwelling unit							
1-9 units (s.f.)	600	600	No minimum	No minimum	No minimum	No minimum	No minimum
10 or more units (s.f.)	300	300	No minimum	No minimum	No minimum	No minimum	No minimum
d. Total open space <sup>(1)</sup>	25%	25%	25%	25%	25%	5%	25%
e. Useable Open Space <sup>(1)</sup>	10%	12.5%	12.5%	12.5%	12.5%	5%	12.5%
f. Maximum height <sup>(2)</sup>							
Buildings within 150 feet of the Mystic River Bank <sup>(3)</sup>	30 feet (Park Buildings only)	No Buildings Permitted	No Buildings Permitted	No Buildings Permitted	No Buildings Permitted	No Buildings Permitted	No Buildings Permitted
Buildings between 150 feet and 250 feet of the Mystic River Bank <sup>(3)</sup>	40 feet	50 feet	70 feet	70 feet	70 feet	Not applicable	As previously approved
Buildings between 250 feet and 350 feet of the Mystic River bank <sup>(3)</sup>	40 feet	50 feet	90 feet	90 feet	90 feet	Not applicable	As previously approved
Within 1,000 feet of an MBTA Orange Line Entrance		50 feet	250 feet <sup>(4)</sup>	250 feet	250 feet	Not applicable	Not applicable
All other locations	40 feet	50 feet	125 feet	125 feet	125 feet	50 feet <sup>(5)</sup>	50 feet
g. Setbacks (front, side, and rear perimeter)	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	15 feet side 0 feet front 25 feet rear



Notes:

1. The percentage of Open Space and Useable Open Space may be provided off-site through dedicated permanent open space that meets the site plan and design review criteria as determined by the SPGA.
2. The lower height limits applicable to each category of use shall apply.
3. The Mystic River bank is as defined by 310 CMR 10.54.2.C.
4. Heights of Buildings in the PUD-A category above 125 must be found to be consistent with the review criteria by the SPGA.
5. Heights of architectural features may exceed this height but may not exceed the limits specified in the Site and Design Review Criteria for Retail Priority Permitted Uses

**B. Structured Parking**

In the ASMD, structured parking, whether above grade or below grade, shall be excluded for purposes of calculating Gross Floor Area, Net Floor Area and Floor Area Ratio.

**C. Renovations**

In the ASMD, Renovations shall be allowed as of right except that modifications to, or relocations of, or creation of Loading spaces shall be subject to Site Plan Approval-A.

#### **6.4.7 DEVELOPMENT STANDARDS AND DESIGN GUIDELINES FOR DEVELOPMENTS IN THE ASMD.**

A. **Development Standards.** Except for Priority Permitted Uses, all Developments shall meet the following development standards:

- 1) ***Transportation Analysis.*** All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.

Developments of more than 10,000 but less than 50,000 square feet of gross floor area shall provide a Transportation Study. The following items may be required as part of a Transportation Study: counts of existing traffic volumes, projected traffic volumes for the proposed Development based on accepted engineering standards, reviews of accident history trends in the vicinity of the Development Site, and analyses of the Development impacts on the transportation network in the vicinity of the Development Site. If the impact analyses indicate that safety or capacity will be adversely affected by the proposed Development, the Applicant will indicate appropriate mitigation measures. In all cases, a Transportation Demand Management (TDM) Plan tailored to the specific use and site will be submitted. The scope of the document will be prepared in consultation with the Director of Traffic & Parking and may include a project description and a description of the existing conditions of the transportation network in the vicinity of the Development Site. This study shall examine transportation by all feasible modes, including automobile, transit, bicycle and pedestrian.

Except as otherwise specifically provided herein, the Director of Traffic and Parking shall approve any plan for traffic mitigation prior to the issuance of any permit associated with any Development proposal with which it is associated.

- 2) ***Parking Requirements.*** Developments shall meet the parking requirements set forth in Section 9.15.
- 3) ***Landscaping Requirements.*** Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.
- 4) ***Pedestrian Connections.*** Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support

improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.

- B. **Design Guidelines.** In reviewing a Development of more than 10,000 square feet, the SPGA/DRC shall consider the following design guidelines. These guidelines are intended to serve as a general basis for the SPGA and Applicant alike to discuss the design merits of a Development, but are not intended to inhibit design creativity when the application otherwise conforms to all other substantive review criteria. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of Buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues for Developments. These Guidelines are intended to supersede the guidelines set forth in Section 5.2.4. It is understood that existing Buildings and Structures will not be able to comply with all of the following Guidelines.

- 1) ***Street and Sidewalk Design.*** Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.
- 2) ***Building Design.*** Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot. Specifically, all construction shall:
  - a) Be located to create a presence on existing street edges or along major internal circulation routes. Maximum building setbacks of five feet shall be encouraged, except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space. Buildings shall be located to reinforce both existing and future circulation patterns that may serve more than one Site;
  - b) Create interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, shall be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances shall be clearly defined, through the use of elements such as canopies, porticos; overhangs, peaked roof forms, arches. Entries set back

from the street shall have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting;

- c) Clearly define the pattern of bays, rhythms, and dimensions to create continuous visual interest and variety in the design of all facades;
  - d) Break down the overall scale of development to respond to the pedestrian-scale use of Open Space;
  - e) Use materials and colors consistent with traditional Buildings in the area with historic merit;
  - f) Locate building equipment and service areas away from Public Ways or major interior circulations routes and provide screening. Enclose all storage of inventory unless it is completely screened from public view with architectural elements meeting these guidelines;
  - g) Show preference for vertical integration of uses. Developments shall ensure that development patterns provide active uses on the Ground Floor that take advantage of the waterfront views and open spaces, and that add presence to Public Ways and sidewalks;
  - h) Not have any uninterrupted or unfenestrated length of its facade exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade; and
  - i) Have windows providing visual access to the interior of a space, arcades, display windows, entry areas, awnings, or other such features along no less than seventy (70) percent of their horizontal length on all Ground Floor facades that face Public Ways or the Mystic River. Forty percent (40%) of this activated facade area on the Ground Floor of Building walls along primary and secondary streets shall consist of window or doors meant for public entry and exit.
- 3) ***Parking Lot Design.*** Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.

- 4) ***Open Space.***
  - a) Landscaping strips required in parking areas (Article 10) shall not apply to Usable Open Space calculations.
  - b) Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD. These contributions shall be designed and developed with special attention to the provision of wildlife habitat and contiguous migration corridors, and to help reduce the level of stormwater runoff into the Mystic River.
- 5) ***Efficiency of Design.*** Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate “green” design techniques. In accordance with this principle all Developments within the ASMD in excess of 10,000 square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development.
- 6) ***Contributions.*** Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.
- 7) ***Loading Spaces.*** To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.

#### **6.4.8 DEVELOPMENT STANDARDS AND DESIGN GUIDELINES FOR LARGE DEVELOPMENTS**

A Large Development in the ASMD shall be regulated as a Planned Unit Development-A (PUD), and the procedures for such Large Development shall be those set forth in Article 16, as augmented by this Subsection. No Large Development shall be permitted in the ASMD under any other provision of this Ordinance except those qualifying for the Priority Development Process. Priority Permitted Uses are not subject to this Section 6.4.8.

The development standards and design guidelines for Large Developments shall be as set forth in this Section 6.4.8. In addition to the submission requirements of Article 16, all applicants for Large Developments must also provide the Special Permit Granting Authority (SPGA) or its designee with the additional submissions listed below in order for any application for the PUD-A Master Plan to be considered complete. Large Developments, which do not qualify as Priority Permitted Uses but are submitted as part of a Priority Development Process, shall conform to the standards and guidelines set forth in this Section 6.4.8 even though they are not required to be regulated as a PUD-A.

- A. Traffic Access and Impact Study, including a Transportation Demand Management Plan.
- B. Model. A conceptual three-dimensional scale model of the Master Plan at 20 scale or alternative scale acceptable to the SPGA or its designee. If the proposed development in its entirety consists of no more than one building, the SPGA or its designee has the option of waiving this requirement.
- C. Urban Block Plan. The PUD Preliminary Master Plan should reflect a future street grid orientation substantially in conformity with the ASD Plan, and outline street blocks substantially consistent with the average street blocks in the City of Somerville (3.5 acres without streets, 4.5 acres to the middle of streets).
- D. Development Standards. Except for Priority Permitted Uses, all Large Developments shall meet the development standards set forth above in Section 6.4.7.A for Developments, as well as consider the design guidelines set forth above in Section 6.4.7.B. In addition, Large Developments shall be consistent with the following additional standards:

- 1) **Transportation Analysis.** Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site.

If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts. At a minimum, the Applicant will be required to mitigate any impact that will:

- a) result in a net reduction in level-of-service of intersections equivalent to one full letter grade;

- b) result in an increase of 10 seconds of delay to a signalized or unsignalized intersection to level of service C or lower; or
- c) result in a net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

For Phases of an Approved PUD for which a Special Permit has not been issued as of the effective date of this Section, traffic mitigation shall be as set forth in the Approved PUD.

- 2) **Large Retail Projects.** Any Large Development in which any single Retail Use is more than 50,000 square feet of gross floor area shall also be deemed a Large Retail Project, except for those Developments qualifying as Priority Permitted Uses, and shall be subject to the following additional standards:
    - a) ***Nonretail Component.*** No Large Retail Project, as defined above, shall be permitted in the ASMD unless permitted as part of a PUD-A which includes 1.5 net square feet of nonretail uses for every square foot over 50,000 net square feet of Retail Use in the Large Retail Project. For example, a PUD-A with 100,000 square feet of Retail Use must also include at least 75,000 square feet of nonretail uses.
    - b) ***Ground Level Retail Size Cap.*** In a Large Retail Project, not more than 50,000 square feet of Gross Floor Area of any single Retail Use shall be located on the Ground Floor of any Building included in the PUD-A.
  - 3) **Landscaping.** A minimum of fifty percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.
- E. **Design Guidelines.** In addition to the design guidelines set forth in Section 6.4.7.B for Developments, the SPGA shall also consider the following additional guidelines in their review of Large Developments as part of a PUD-A or as part of a Priority Development Process to the extent such Large

Developments are not Priority Permitted Uses. These guidelines augment Article 16 guidelines. These guidelines are intended to serve as a general basis for the SPGA and Applicant alike to discuss the design merits of a Development, but are not intended to inhibit design creativity when the application otherwise conforms to all other substantive review criteria. These guidelines are not intended to discourage innovative architectural design solutions. Rather, they provide general standards for the massing, siting and articulation of Buildings for developers and architects to work from. They also provide parameters for dialogue between the Applicant and SPGA on design issues:

- 1) ***Structured Parking.*** Due to the size and scope of Large Developments, every effort shall be made to provide as much parking as possible underground and/or in structures. Refer to Section 9.15 for parking requirements.

#### **6.4.9 SPECIAL PERMIT WITH SITE PLAN REVIEW-A (SPSR-A)**

This Subsection shall apply to all Developments in the ASMD in excess of 10,000 square feet but not greater than 50,000 square feet (except those Developments qualifying as a Priority Permitted Use), a Phase of a PUD-A and shall also apply to those Large Developments which are part of a Priority Development Process but do not themselves qualify as Priority Permitted Uses. The Planning Board as the Special Permit Granting Authority may establish additional rules and regulations for the administration of such SPSR-A.

- A. **Submittal Requirements.** Submissions for an SPSR-A shall conform to the requirements set forth in this Subsection and to those set forth in an SPSR in the rules and regulations of the SPGA and Article 5 of this Ordinance. The SPGA or its designee may waive certain submittal requirements if appropriate.
- B. **Referral to Other Agencies.** In the review of any application for a SPSR –A for a Development, the Planning Board shall solicit comments from the Somerville Redevelopment Authority (SRA) and the Assembly Square Design Review Committee (DRC) regarding the consistency of such proposed Development with the objectives of the ASD Plan. However, a Development that is a component of an Approved PUD or that has been reviewed as part of a Priority Development Process and has previously undergone review by the Design Review Committee shall not be subject to a second review under this provision. The SRA and the DRC shall have thirty (30) days from the receipt of the request to provide the SPGA with such recommendations.
- C. **Criteria for Review.** The criteria for review set forth below are in addition to the findings and determinations to be made by the SPGA pursuant to Section 5.2.5(a)-(h). The criteria set forth below are substituted for those findings and determinations set forth in Section 5.2.5(i)-(u). No SPSR-A shall be granted without a finding that the proposed Development conforms with the dimensional,



parking, and landscaping requirements set forth in Subsection 6.4.7 or Subsection 6.4.8, as applicable; provided, however, that such requirements may be waived pursuant to Section 6.4.12, below. No SPSR-A shall be granted without a finding that a proposed new Development is substantially consistent with the objectives of the ASD Plan. In order to evaluate such consistency, the SPGA shall consider, but shall not be limited to, the following aspects of the proposal:

- 1) Whether traffic impact and proposed mitigation, if any, is consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan;
- 2) Whether the application reflects an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4;
- 3) Whether, and the extent to which, if applicable, the application promotes the following objectives:
  - a) A mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses;
  - b) Economic benefits and employment opportunities;
  - c) Structured parking as regulated under Section 9.15.;
  - d) Pedestrian and bicycle access;
  - e) Affordable housing units and Project Mitigation Contribution as required in Articles 13 and 15;
  - f) View corridors to the Mystic River;
  - g) Enhanced and activated Open Space to offset any shadow impacts;
  - h) Creation of new Open Space or enhancement of existing Open Space; and
  - i) Whether any Development within one-quarter mile of the proposed MBTA Orange Line Station Entrance will support transit service at that location.

- 4) Additional Findings and Determinations:

Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations that the Development:

- a) Complies with the submission and information requirements listed herein and in Section 5.2.3;
- b) Complies with such criteria or standards as are set forth in this Ordinance applicable to the granting of the requested special permit with site plan review;
- c) Will not create materially adverse impacts on the public services and facilities serving the Development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, and the sidewalks and footpaths for pedestrian traffic;
- d) Special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Stormwater should be removed from all roofs, canopies, and paved areas, and routed through well-engineered systems designed with appropriate stormwater management techniques. Skimming devices, oil and grease traps, and similar facilities at the collection or discharge points for paved surface shall be collected. In larger Developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged. The SPGA may require independent peer review of a stormwater management plan by an accredited independent engineering firm;
- e) Provides easy access to Buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment;
- f) Electric, telephone, cable TV and other such lines and equipment are placed under-ground from the source or connection, or are effectively screened from public view;
- g) The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed Buildings;
- h) Exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and other similar structures shall be effectively screened by plantings and other screening methods so that they are not directly visible from either the proposed Development or surrounding properties;

- i) The shadow impacts of any proposed Buildings on public Open Spaces shall be mitigated such that the Development results in net benefits to the public space in terms of activation, enhanced quality and attractiveness, expanded use and public access.

#### **6.4.10 SPECIAL REGULATIONS GOVERNING PRIORITY DEVELOPMENT PROCESS**

A. **Purpose of Priority Development Process.** A special review process has been established for the ASMD in order to advance several public purposes. These purposes include encouraging balanced development patterns of multiple Uses through a coordinated planning and review process, and creating incentives for desirable Uses and Use patterns by establishing a fast-tracking process for certain Priority Permitted Uses, including:

- Promoting the development of housing and affordable housing along with compatible mixed-use development;
- Promoting transit-oriented and transit-related high-density mixed-use development;
- Promoting the prompt tenanting of an existing Mall with certain Retail Uses when planned with additional mixed-use development; and
- Promoting mixed-use development in conjunction with an Approved PUD.

Applications for Developments submitted as part of the Priority Development Process must be submitted together, so that they can be both well-coordinated and fast-tracked. It is intended that every effort be made to coordinate and expedite review of both applications simultaneously. Such Developments shall be scheduled for appropriate review on the first available agenda of the appropriate Board after the application date, which allows for proper notification to occur. The SPGA shall adopt additional measures to streamline and expedite review of a fast-track project within its Rules and Regulations.

B. **Qualifying Developments.** The Priority Development Process is available only to Developments which consist of (i) both (x) a Priority Permitted Use, and (y) accompanying Uses, which are denoted by asterisk in the Table of Permitted Uses, as further limited by the criteria set forth in Section 6.4.10 C, (and which would otherwise be required to be submitted as a PUD-A); or (ii) any Phase of an Approved PUD for which a Special Permit has not been issued, or a Major Amendment thereto, as provided in Section 6.4.5 B(4). Developments having Retail Uses equal to or greater than thirty-three percent (33%) of the Gross Floor Area, which do not qualify as a Priority Permitted Use pursuant to Section 6.4.5 B(3), shall not qualify for the Priority Development Process. No Development

shall qualify for the Priority Development Process if it incorporates any land that has been included in a previous Priority Development Process.

**C. Criteria for Development(s) Accompanying Priority Permitted Uses**

1) Uses Accompanying a Residential Priority Permitted Use

The accompanying Development

- a) must be at least equivalent in Gross Floor Area to the Gross Floor Area of the Priority Permitted Use, up to a maximum of 500,000 square feet;
- b) may not include Residential Uses; and
- c) may include Retail Uses only to the extent of the equivalent of 100 % of the Gross Floor Area of the Ground Floor of the Development.

2) Uses Accompanying a Transit Oriented Priority Permitted Use.

The accompanying Development

- a) must be at least equivalent in Gross Floor Area to the Gross Floor Area of the Priority Permitted Use, up to a maximum of 500,000 square feet;
- b) may include Residential Uses provided that the Gross Floor Area devoted to Residential Uses in both the Priority Permitted Use Development and the accompanying Development may not exceed 50 % of the total Gross Floor Area of the Priority Permitted Use and accompanying Development submitted as part of the Priority Development Process;
- c) may include Retail Uses only to the extent of the equivalent of 100 % of the Gross Floor Area of the Ground Floor of the Development; and
- d) must be situated entirely within 1,000 feet of an MBTA Orange Line Station Entrance.

3) Uses Accompanying a Retail Priority Permitted Use

The accompanying Development

- a) must be a minimum of 300,000 square feet of Gross Floor Area and a maximum of 375,000 square feet of Gross Floor Area; and
- b) may include those Uses denoted by asterisk in the Table of Permitted Uses, of which not more than 60,000 square feet of Gross Floor Area may be Retail Uses and a minimum of 50,000 square feet of Gross Floor Area must be Office Uses.

D. **Priority Development Process.** The intention of the Priority Development Process is to concentrate and coordinate the reviews of the qualifying Developments within a one-tier process, rather than the two-tier process otherwise applicable to PUD-A projects within the ASMD. It is the intention of the Priority Development Process to enable (i) Priority Permitted Uses to proceed with Site Plan Approval-A, and (ii) accompanying Uses submitted therewith to proceed with Special Permits with Site Plan Review-A.

- 1) Applications for Site Plan Approval-A and Special Permit with Site Plan Review-A shall be submitted simultaneously to the SPGA. The submittal and review procedures are those set forth in Subsection 6.4.11 in the case of Priority Permitted Uses and the procedures set forth in Subsection 6.4.9 and, to the extent applicable, in Section 5.3 with respect to accompanying Uses, except as modified below. Applications submitted under the Priority Development Process shall identify the Developments as being submitted as part of the Priority Development Process, shall identify the Priority Permitted Uses as such and shall identify the Developments as qualifying for and request fast-tracking.
- 2) Design Review: Design Review by the DRC shall be required for all Developments proceeding pursuant to the Priority Development Process. In addition to the applicable review criteria listed in Section 6.4.7, the DRC shall take into account criteria for the review of any Developments within the Priority Development Process that are listed in Section 6.4.10.E below.
- 3) Site Plan Approval-A: Site Plan Approval-A shall be required for all Priority Permitted Uses within the Priority Development Process and shall be conducted within the time periods and using the review and approval criteria set forth in Section 6.4.11. The SPGA shall take into account the criteria for the review of any Development within the Priority Development Process as may be listed in Section 6.4.10.E below.

- 4) Special Permit Review: Special Permit with Site Plan Review for all Developments requiring a Special Permit with Site Plan Review-A within the Priority Development Process shall be conducted by the SPGA, and shall be conducted using the review and approval criteria set forth in Sections 6.4.7, 6.4.8 (if applicable) and 6.4.9.
- 5) If Developments which are being submitted as part of a Priority Development Process necessitate a Subdivision or Subdivisions requiring Site Plan Approval pursuant to Section 5.4 of this Ordinance, the Applicant may petition for such Section 5.4 review simultaneously with the reviews contemplated by this Section and the time limits for such review will be governed by this Section 6.4.10. and Section 6.4.11.C.

**E. Additional Approval Criteria for the Priority Development Process Permitted Uses.**

- 1) Additional Criteria for Residential Priority Permitted Uses:
  - a) Site Plan Review Criteria
    - i. Housing should be located and oriented to limit obstructions of desirable views from housing units towards the non-housing uses that receive a special permit as part of the Priority Permitted Use process.
    - ii. All parking must be located either in a parking structure or below grade.
    - iii. Ground Floor spaces must have lively, pedestrian friendly uses, preferably Retail, Restaurant or local business services.
    - iv. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to take into account the standards set forth in the Assembly Square Design Guidelines for the Public Realm and shall be conveyed to the City upon completion. Streets shown in the ASTP that run through existing Buildings do not have to be constructed until an owner elects to demolish such Buildings.
- 2) Additional Criteria for Transit-Oriented and Priority Permitted Uses:
  - a) Site Plan Review Criteria
    - i. All parking must be within a parking structure or below grade.

- ii. The location of principal or secondary entrances should be oriented to provide a direct and convenient path to and from the MBTA Orange Line Station.
  - iii. Views from any Residential units contained in the Transit-Oriented Development should be located and oriented to limit obstructions of desirable views from Residential units towards the non-Residential uses that receive a special permit as part of the Priority Permitted Use process.
  - iv. Open Space should be oriented and designed to support the quality of the pedestrian environment along the sidewalks that provide connections to and from the MBTA Orange Line Station.
  - v. Ground Floor spaces must have lively, pedestrian friendly uses, preferably Retail, Restaurant or local business services.
  - vi. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to the standards set forth in the Assembly Square Design Guidelines for the Public Realm and shall be conveyed to the City upon completion. Streets shown in the ASTP that run through existing Buildings do not have to be constructed until an owner elects to demolish such Buildings.
- 3) Additional Criteria for Retail Priority Permitted Uses in an existing Mall:
- a) Site Plan Review Criteria
    - i. The parking ratio for surface parking for all uses within a Mall shall not exceed 3.25 spaces per 1,000 square feet of net floor area and such surface parking shall provide spaces designed for compact cars as set forth in Section 9.11(c) equal to thirty percent (30%) of the total spaces provided.
    - ii. Landscaping, including at least one tree, shall be provided at each end of each row of parking provided to support uses within a Mall, and two trees at each end of double rows of parking.
    - iii. Drive lanes within large parking areas, intended to reflect a future street grid, should be designed in conformance with the standards for service roads as defined by *Assembly Square: Design Guidelines for the Public Realm*.

- iv. New blocks created for non-retail uses from existing parking areas should be no greater than two acres in size.
- v. Parking areas lighting design shall limit direct illumination of the upper floors of structures on adjacent lots.
- vi. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to the standards set forth in the Assembly Square Design Guidelines for the Public Realm and shall be conveyed to the City upon completion. Streets shown in the ASTP that run through existing Buildings do not have to be constructed until an owner elects to demolish such Buildings.

b) Design Review Criteria

- i. Entrance arcades shall not be larger in width than two existing structural bays nor extend higher than fifteen feet above the nearest adjacent cornice line.
- ii. New façade elements shall use materials and details that are consistent with the architectural heritage of the buildings on which they are located.
- iii. Building façades between new tenant entryways should predominantly consist of renovation of the existing Building exterior except for new windows.
- iv. New entrances are encouraged, and should include at least 50% of transparent glazing of the new entrance façade or roof surfaces.
- v. Turrets or towers may be provided if they do not exceed 30 feet in width, are not less than 20 feet in depth at the base or where they meet an existing roof, and are less than 60 feet in height.
- vi. Signage for individual tenants shall be limited to one large building-mounted sign on each principal façade of a Mall. Primary signs must be mounted below the line of the nearest adjacent cornice. A second, smaller sign may be located near individual or common entrances. These guidelines are not intended to regulate or limit freestanding signs. In the ASMD, signage shall be governed by Article 12 except as otherwise specifically provided by this clause and by Section 6.4.14.



4) Additional Criteria for Approved PUD Mixed Uses:

a) Site Plan Review Criteria

- i. Changes in building footprints for non-retail uses are allowed from the footprints approved under either a PUD Master Plan or Special Permit with Site Plan Review, as long as the total footprint does not increase by more than 10% in total area.
- ii. Ground floor uses facing the Mystic River must be consistent with and encourage public access and circulation.
- iii. Ground Floor spaces must have lively, pedestrian friendly uses, preferably Retail, Restaurant or local business services.
- iv. The Site Plan must include a street pattern substantially as shown in the ASTP. All streets on the plan must be constructed to take into account the standards set forth in the Assembly Square Design Guidelines for the Public Realm and public access rights shall be conveyed to the City upon completion.

b) Design Review Criteria

- i. The architecture and orientation of buildings should reinforce the importance of the public open space along the Mystic River and the urban character of New Main Street.

F. **Approved PUD.**

- 1) Any Phase of an Approved PUD for which a special permit has been issued shall be allowed By Right and shall not require any further approvals under this Ordinance unless required under Section 6.4.10.F.3 (Modifications) below.
- 2) Any Phase of an Approved PUD for which a Special Permit has not been issued and which thereby qualifies as a Priority Permitted Use shall be subject to the following requirements:

Traffic, Parking, Loading

For any Phase of an Approved PUD for which a special permit has not been issued, and that qualifies as a Priority Permitted Use, all traffic mitigation, parking and loading requirements shall be as set forth in the approved Master Plan in lieu of the requirements set forth elsewhere in this Ordinance.

3) Modifications

The site plans, grading/drainage plans, landscaping plans, utility plans and/or other plans approved in connection with an Approved PUD may be modified as follows: (i) a modification meeting the definition of a minor amendment under Section 16.11.3 may be modified in accordance with the minor amendment provisions of Section 16.11.3; (ii) a modification meeting the definition of a major amendment under Section 16.11.3 may be modified pursuant to Site Plan Approval-A by the SPGA pursuant to the Site Plan Approval procedures and appeal provisions set forth in Sections 6.4.11. Changes of Use within an Approved PUD shall be allowed as of right subject to Site Plan Approval-A unless the Director of Traffic and Parking determines that: (a) the proposed Uses substantially deviate from the Uses set forth in the approved Master Plan and/or special permit for the Approved PUD, and (b) the new Uses will, in the aggregate, create a greater traffic impact than the Uses set forth in the approved Master Plan, in which case the Change of Use shall constitute a Development (but in no event a Large Development) and shall be subject to the review procedures for Developments set forth in this Section 6.4.

4) Applicability

In the event of any inconsistencies between the requirements for Approved PUDs set forth in this Section 6.4.10.F and any other provision of this Ordinance, the provisions of this Section 6.4.10.F shall govern. To the extent such other provisions of this Ordinance require permits or approvals in addition to those required under this Section 6.4.10 or impose other requirements, standards or criteria that are more restrictive than those imposed under this Section 6.4.10, only those permits and approvals required under this Section 6.4.10 and those requirements, standards and criteria established under this Section 6.4.10 shall apply.

#### 6.4.11 SITE PLAN APPROVAL-A PROCEDURES

- A. **Purpose of Site Plan Approval.** For the purpose of insuring public review of Priority Permitted Uses, the following review procedures shall be followed by the SPGA.
- B. **Site Plan Requirements.** Site plans shall be prepared by a registered architect, landscape architect, surveyor or professional engineer. The SPGA may, in its discretion, waive certain of the requirements set forth below. Site plans shall show:
  - 1) The boundaries of the Parcel or Parcels for which the Applicant is seeking Site Plan Approval. Lot numbers, dimensions of lots in feet, sizes of lots

in square feet, and the width of abutting streets and ways shall be shown. The plans shall include a scale (which may not be greater than one inch equals 40 feet), north arrow, legend, name of record owners of parcel or parcels for which approval is sought and names of owners of all abutting land as appearing on the current tax assessor's list.

- 2) The location of existing wetlands, water bodies, wells and 100-year flood plain elevations within the area subject to review.
- 3) The location of existing and proposed structures, as well as the distance between those structures and the lot lines and the distance between buildings on the same lot. Also, the percent of existing and proposed building lot coverage, the average finished grade of each proposed building at the base of each such building, the elevation above average finished grade of the ground floor and ceiling of the lowest floor of each proposed building, and the height of all proposed buildings above finished grade of abutting streets.
- 4) All principal landscape features, such as fences, walks, walls, exterior lighting and planting areas.
- 5) All easements within and abutting the parcel or parcels for which approval is being sought.
- 6) The location and number of all parking and loading spaces.
- 7) The location of all driveway openings and driveways, as well as the proposed traffic circulation patterns within the Parcel or Parcels for which approval is being sought.
- 8) Provision for and the location of all facilities for sewage, drainage, electric and water service.
- 9) Topography indicating existing and proposed contours at intervals of not more than two feet.
- 10) Location and intensity of outdoor lighting system.
- 11) Location, type and size of signs.
- 12) A written statement by the Applicant that shall include:
  - a) A description of the proposed Uses to be located within the Development;

- b) The total land area of the Site, and the total floor area and ground coverage of each proposed building and structure;
- c) General summary of existing and proposed easements or other burdens now existing or to be placed on the property;
- d) Method for handling proposed solid waste disposal;
- e) The Applicant's calculation of requirements and evaluation of the availability and adequacy of off-site public facilities including sewer, water, drainage and streets;
- f) A description of any problems of drainage or topography, or a representation that, in the opinion of the Applicant, there are none;
- g) A completed LEED worksheet; and
- h) A TDM Plan.

- C. **Procedure.** Any person desiring Site Plan Approval-A under this Subsection shall submit five copies of said plan to the SPGA. The SPGA shall hold a public meeting in compliance with M.G.L.A. c. 39, §§ 23A and 23B within 20 days of such filing, and shall make a determination on said plan in accordance with the provisions of Subsection (H) hereof within 45 days after such filing.

Within the time periods specified in this Subsection, the SPGA shall make a final written approval or disapproval on any site plan submitted to it, which determination shall be in accordance with Subsection (G) hereof. The vote of a majority of the members of the SPGA shall bind the SPGA hereunder, and the failure of the SPGA to act within the time periods specified herein shall be deemed to constitute a determination that the site plan submitted to the SPGA conforms with the criteria set forth in this Section. The SPGA shall advise the building inspector and the City Clerk in writing of its action.

- D. **Approved Plan Pre-requisite to Issuance of Building Permit.** No building permit shall be issued under this Subsection until a final site plan, or applicable components thereof, have been approved or deemed to have been approved by the SPGA.
- E. **Expiration of Approval Prior to Commencement of Use.** Unless construction related to a Priority Permitted Use which has received Site Plan Approval-A by the SPGA shall have commenced within 24 months from the date of approval of the site plan, the approval shall be deemed to have expired, the building permit shall thereupon be revoked and the building inspector shall forthwith take the necessary steps to enforce this Subsection.

- F. **Modifications to Approved Site Plans.** If an owner wishes to modify an approved site plan, he may submit a revised site plan to the SPGA for review and approval, and the same standards and procedures applicable to the review of the original site plan shall apply to such revised site plan, unless the Director of the Planning Department finds such change to be minor.
- G. **Standards and Criteria for Review and Final Action.** In acting under this Subsection, the SPGA shall review a site plan to ensure that the public health, safety, and welfare are best served in light of the following criteria:
- 1) The provisions for vehicular loading and unloading, parking and for vehicular circulation on the site and onto adjacent public streets and ways will promote safety and safe traffic control and flow;
  - 2) To the extent feasible, the provision for on-site landscaping will provide an appropriate visual buffer to any immediately abutting residential properties;
  - 3) Provisions for pedestrian ways will provide safe and convenient access and egress (i) within the area of site plan review and (ii) to the boundary of such area in light of existing or proposed pedestrian ways beyond such boundary;
  - 4) The site plan will provide for adequate and proper drainage, sewage disposal, and water supply;
  - (5) The provisions for exterior lighting will promote safety to motorists traveling on adjacent public streets;
  - 6) The proposed Development will provide adequate access to the Site, or to the Buildings on the Site, for emergency vehicles; and
  - 7) The Priority Permitted Use will be consistent with the objectives of the ASD Plan, although the Priority Permitted Use itself does not have to demonstrate complete consistency with later phases of the ASD Plan objectives.
- H. **Findings.** All findings of the SPGA shall be in writing, and a determination with respect to site plans shall either be (a) that the site plan conforms to the criteria set forth in Subsection (G) above, or (b) that the site plan does not so conform and specifying with particularity how it does not conform and how it may be modified so to conform. This Site Plan Approval-A procedure is not intended to constitute a special permit procedure and, since the Uses subject to this approval procedure are allowed By Right, it is presumed that a site plan submitted to the SPGA hereunder will be approved by the SPGA or will be disapproved with only such reasonable and specific suggested modifications specified by the SPGA which

will cause the site plan to conform with the criteria set forth in Subsection (G), and which shall not reduce the total amount of gross floor area or the number of existing parking spaces.

- I. **Appeal.** If any person is aggrieved by any action of the SPGA under this Section 6.4.11, he shall be entitled to an appeal there from pursuant to M.G.L.A. c. 40A, §8, within 30 days from the date of the issuance or denial of the building permit which is being appealed.

#### **6.4.12 POWERS OF THE SPGA IN THE ASMD**

In the ASMD the Planning Board shall serve as the Special Permit Granting Authority (SPGA). The SPGA may approve, approve with conditions, or deny any application for a SPSR-A, or a PUD-A after consideration of the criteria set forth above and criteria set forth in any other Sections of this Ordinance referred to herein. The SPGA shall administer Site Plan Approval-A for Priority Permitted Uses as set forth in Subsection 6.4.11 above.

- A. **Relief from Requirements.** Notwithstanding any other provisions of this Ordinance, the SPGA may, as part of an application for a SPSR-A, a PUD-A or Site Plan Approval-A grant relief from Development Standards, and any other requirements of the ASMD outlined in Sections 6.4.6 through 6.4.11. In such cases, in granting such relief, the SPGA must find that:
  - 1) Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;
  - 2) The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;
  - 3) In the case of any Alteration of a Nonconforming Structure, a Change of Nonconforming Use, or a Major Amendment to an Approved PUD, such alteration, change or amendment shall conform, to the extent feasible, to the objectives of the ASD Plan; and
  - 4) In the case of waivers from the landscaping requirement, the SPGA must determine that such a level of landscaping is incompatible with the objectives of the ASD Plan.
- B. **Exceptions.** Notwithstanding the foregoing, the SPGA may not grant relief from any of the following standards, guidelines or requirements:
  - 1) Section 6.4.8, regarding Large Developments being developed pursuant to the PUD-A provisions of Article 16 unless as part of a Priority Development Process; and

- 2) Section 6.4.8.D.2 regarding a Large Retail Project providing a non-retail component.

#### **6.4.13 ASSEMBLY SQUARE DESIGN REVIEW COMMITTEE**

- A. **Establishment.** Upon passage of this Ordinance, the Mayor and the Board of Aldermen shall appoint an Assembly Square Design Review Committee (DRC) to assist the SPGA in reviewing all PUD-A Master Plans, Developments proceeding through the Priority Development Process and SPSR-A applications for the ASMD to the extent required under this Ordinance. The Board of Aldermen shall confirm all members appointed by the Mayor and the Mayor shall approve the member appointed by the Board of Aldermen. Members of the DRC shall serve for a 2-year term renewable upon reappointment.
- B. **Membership.** The DRC shall consist of seven members. Four of these members shall be architecture, landscape architecture, urban design, and planning professionals, respectively, one shall be the Chair of the Planning Board or another Planning Board member selected by the majority of the Planning Board, and two shall be citizen representatives. A coordinator selected by the Mayor from among these members shall head the DRC. All seven members of the DRC shall be Somerville residents. All members shall be appointed by the Mayor except for one of the citizen representatives, who shall be appointed by the Board of Aldermen.
- C. **Procedures.** Upon receipt by the City Clerk of a PUD-A Master Plan, Developments submitted pursuant to the Priority Development Process or other SPSR-A for a Development or Developments in the ASMD, a copy shall be promptly forwarded to the coordinator of the DRC, who shall coordinate the holding of a meeting to discuss the design within twenty-one (21) days of receipt by the City Clerk's office. Notice of this meeting shall be provided to the Applicant with at least one (1) week's notice. Meetings of the DRC shall be open to the public. At the DRC meeting, the DRC shall analyze the Development(s) for its conformance with the objectives of the ASD Plan and any design guidelines in the Ordinance for the ASMD and the City as a whole. The DRC shall review only issues of urban design, architectural character, and relationship of the physical plan to the surrounding area.
  - 1) **Additional Meeting.** If the DRC decides that a second and/or third meeting is necessary to complete their review of a PUD-A Master Plan, it shall hold such a second and/or third meeting within twenty-one (21) days of the first meeting. The DRC shall complete its review in no more than three (3) meetings. For Priority Development Process Developments and SPSR-A review, the DRC shall complete its review in one meeting.

- 2) ***Report to the SPGA.*** Upon completion of its review, the DRC shall send recommendations to the SPGA and the Somerville Redevelopment Authority (SRA) regarding specific materials and architectural details, and any other recommendations that are related to the design of the proposed Developments. These recommendations are advisory in nature, and shall not be considered binding upon the SPGA or the SRA.
  - 3) ***Failure to Act.*** If no such DRC is formed within one (1) week of the time of submission of a Development proposal, or if thirty-five (35) days have passed since the receipt of the application at the City Clerk's office and the DRC has not yet issued its recommendations, the SPGA may act without receipt of such recommendations.
- D. **Multiple Reviews.** Notwithstanding the foregoing, applications that relate to a component of a Master Plan that has previously undergone review by the DRC, and Minor Changes to a Master Plan (as defined in Section 16.11.3), shall not be subject to additional review.

#### **6.4.14 SIGNAGE IN THE ASSEMBLY SQUARE DISTRICT**

Notwithstanding any provision of this Ordinance to the contrary, the following provisions shall apply to signage in the ASMD:

- A. The top of a wall Sign attached parallel to a Building shall be no higher than 35 feet above finished Grade.
- B. With respect to any Structure in the ASMD for which a waiver or other approval has been issued to allow such a Structure to exceed the maximum height otherwise set forth in this Ordinance, approval for signage on such Structure in excess of the maximum height requirements applicable under this Ordinance may be granted solely through a Special Permit from the SPGA.
- C. The size of signs in the ASMD shall not exceed the requirements outlined in Section 12.4. ("Signs in Nonresidential Districts") unless such requirements are superseded in 6.4.14.A or 6.4.14.B., above. However, approval for freestanding, directional and/or wall signage in the ASMD that does not comply with the applicable provisions of this Ordinance may be granted solely through a Special Permit from the Planning Board.



## **ARTICLE 7. PERMITTED USES**

### **SECTION 7.11 TABLE OF PERMITTED USES**

- Replace the existing Section 7.12.16 with the following:

**7.12.16** Outdoor seating is only allowed through a permit from the Board of Aldermen pursuant to the Somerville Code of Ordinances SS 12.14, unless in the ASMD, the SPGA has issued a Special Permit with Site Plan Review that included outdoor seating.

## **ARTICLE 9. OFFSTREET PARKING AND LOADING**

- Amend 9.4.1 and 9.4.1.a to refer to “or Section 9.15 if in the ASMD district or the PUD-A district”.
- Amend the first sentence of Section 9.5 to add the phrase “, the ASMD and the PUD-A districts”.
- Delete references to BPA and IPA in 9.5.

### **SECTION 9.13 EXCEPTIONS, SPECIAL PERMITS**

- Amend 9.13.d to add at the end a new paragraph: “In the ASMD, required parking spaces may be located on a separate lot located within 1000 feet of the principal Use served by such parking spaces.”
- Add a new Section 9.15:

### **SECTION 9.15 PARKING SPACE AND LOADING AREA REQUIREMENTS IN THE ASSEMBLY SQUARE MIXED-USE DISTRICT (ASMD) AND THE PUD-A DISTRICT**

The following parking space and loading space requirements shall supersede the parking space and loading space requirements in Sections 9.5, 9.7 and 9.8 in the ASMD District and PUD-A Overlay District. All other requirements of this Article 9 shall apply to those districts. For the purposes of this Section, all definitions in Section 6.4. shall apply and replace, if applicable, those in Article 2.

#### **9.15.1 PURPOSE**

These parking requirements are designed to implement the objectives of the *ASD Plan* as set forth in Section 6.4. It is an objective of the ASD Plan to limit both the amount and type of parking in Assembly Square in order to move toward a transit-oriented, urban development pattern in the ASMD.

### 9.15.2 NUMBER OF PARKING SPACES

Except as provided below, all new Buildings in the ASMD District and PUD-A Overlay District shall meet the following standards for minimum and maximum parking spaces. Any new uses in the ASMD that are permitted By Right must meet the minimum parking requirements but do not have to meet the maximum parking requirements.

	<u>Minimum Spaces</u>	<u>Maximum Spaces</u>
1. <b>Residential Uses</b>	1 per unit	1.5 per unit
2. <b>Other Residential Uses</b>	1 per 1000 square feet	1 per 500 square feet
3. <b>Institutional Uses</b>	1 per 1000 square feet	1 per 500 square feet
4. <b>Educational Uses</b>	0.5 per employee	1 per employee
5. <b>Office Uses</b>	1 per 1000 square feet	1 per 500 square feet
6. <b>Business Service Uses</b>	1 per 1000 square feet	1 per 500 square feet
7. <b>Retail/Rental Uses</b>	1 per 1000 square feet	1 per 500 square feet
8. <b>Restaurants</b>	1 per 500 net square feet	1 per 250 square feet
9. <b>Hotel/Motel Uses</b>	0.5 per guest room	1 per guest room
10. <b>Research and Development</b>	1 per 1000 square feet	1 per 500 square feet
11. <b>Warehouse/Distribution</b>	1 per 1500 square feet	1 per 1000 square feet
12. <b>Wholesale Business</b>	1 per 1500 square feet	1 per 1000 square feet
13. <b>Industrial Uses</b>	1 per 1500 square feet	1 per 1000 square feet
14. <b>All Other Permitted Uses</b>	As needed, not to exceed 1 per 500 square feet	

NOTE: Square feet refers to net floor area unless otherwise indicated.

The minimum parking requirements may be reduced by the SPGA for a Development upon submission by the Applicant of a TDM Plan demonstrating that such reduction will not have adverse community impacts.

The maximum parking requirements shall not apply unless and until a new MBTA Station is constructed and open and also shall not apply to Buildings or Uses in existence at the time of such opening. For Developments that receive a Building Permit after such opening, the SPGA may waive or modify such requirements if the SPGA determines that the economic benefits of such a waiver or modification exceed any adverse transportation impacts. In making its determination, the SPGA shall consider the Applicant's TDM Plan. For Approved PUD's, the parking requirements outlined in the Approved PUD shall govern.

Parking spaces may be shared among different uses for which peak parking periods differ, pursuant to a Special Permit under Section 9.13.e.

### 9.15.3 NUMBER OF REQUIRED LOADING SPACES

Each Development shall be required to include the number of Loading spaces required in Section 9.7 unless a lesser number is approved by the SPGA. In all cases, shared Loading spaces

and a reduced number of Loading spaces will be encouraged. However, the Applicant shall be required to submit to the Director of Traffic & Parking a utilization plan that demonstrates the adequacy of the reduced number of Loading spaces based on the proposed uses, operational considerations, and the allocation of Loading spaces across the various Uses and Buildings. The Director of Traffic & Parking, after consulting the Executive Director of the Planning Department, shall make a recommendation to the Planning Board regarding any request for a reduced Loading space requirement.

#### **9.15.4 USE OF ON-STREET PARKING**

Where on-street parking is proposed on a way within the control of the Traffic Commission, and the on-street parking will be counted towards the parking requirements of the Development, then the Applicant shall have the plan pre-approved by the Traffic Commission prior to receiving Special Permits for the Development.

Where on-street parking is proposed on a private way, the Applicant shall secure covenants or easements from all parties having an interest in the title of the Property. The easement or covenant shall vest in the project Applicant and the City the right to regulate parking on the affected private way. The easement or covenant shall run with the land and shall be in a form suitable for recording at the Registry of Deeds. Prior to recording of any such instrument, the Director of Traffic & Parking and the City Solicitor shall each approve the form and content of the instrument.

#### **9.15.5 PARKING IN STRUCTURES**

All new parking serving an entirely new Building in the ASMD and PUD-A overlay district shall be located in structures that are entirely below grade or extend at least one level above grade except (a) as outlined below, (b) for interim surface parking pending completion of mass transit facilities and related parking garages, or (c) if waived by the SPGA due to market or environmental conditions. Notwithstanding the foregoing, any new building under 50,000 square feet in size constructed in an area of existing surface parking and along an existing or proposed street as envisioned by the ASD Plan shall not be required to provide parking in structures and shall not be subject to the maximum parking requirements. In addition, the SPGA may waive both the structured parking requirement and the maximum parking requirement for any such building over 50,000 square feet based on market conditions or undue burden on the Applicant.

At grade parking shall be permitted in the following instances:

1. Up to 10 percent of the overall parking provided in a Development may be located in surface lots in order to provide short-term or temporary parking spaces;
2. Parking spaces may be provided on-street and will not count towards the 10 percent listed in item 1 above; and

3. If an Approved PUD as defined in Section 6.4. has surface parking spaces in excess of those permitted in this Section, but in no case more than 50 percent of its parking at-grade, the Approved PUD shall not be required to provide additional parking in structures.

In cases where at-grade parking is provided, it must comply with the requirements of Section 9.9 and Article 10.

## **ARTICLE 16. PLANNED UNIT DEVELOPMENT**

- Replace the existing Section 16.2. (Planned Unit Development Applicability) with the following:

### **SECTION 16.2 APPLICABILITY**

A PUD shall be permitted only in a Planned Unit Development B Overlay District or in the ASMD. In addition, all land included in the proposed PUD must be contiguous and/or separated only by streets, public or private ways. Except as modified by Section 6.4 of this Ordinance, PUD-A requirements apply in the ASMD. Refer to Section 6.4 for more information on the ASMD and PUD-A.

- Replace the Dimensional Requirements for a PUD-A in Section 16.5.1 with the Dimensional Requirements contained in Section 6.4.6.
- Add a new Section 16.10.3:

#### **16.10.3 APPROVAL OF PUD PRELIMINARY PLAN IN THE ASMD**

Notwithstanding any provision of 16.10.1 to the contrary within the ASMD, the approval of a PUD preliminary master plan by the SPGA, with or without conditions, is deemed an approval of a certain PUD master plan generally as shown on the plan and its supporting documentation for approximate floor area ratio and/or residential density, general types of uses, approximate building coverage ratios, generalized open space plans, and general infrastructure systems.

PUD preliminary master plan approval shall not be construed as final authorization of development. By its nature, this PUD approval shall be considered as preliminary approval and recognition that the plan is in general accordance with the provisions of this Ordinance. A PUD preliminary master plan shall lapse five (5) years from the granting thereof, unless a completed final PUD special permit with site plan review application has been properly filed with the SPGA, within said five (5) year period and is subsequently approved by the SPGA.

- Add the following Section 16.11.3:

#### **16.11.3 AMENDMENTS TO PUD PLANS IN ASSEMBLY SQUARE**

In the ASMD, the following provisions shall apply in lieu of Sections 16.11.1 and 16.11.2:

**16.11.3.1. Major Amendments.** A major amendment shall be defined as a modification that: (a) increases floor area ratio or ground coverage ratio by 15 % or more or substantially changes access to the site, and (b) results in a condition that is substantially more detrimental to the surrounding neighborhood than the existing condition(s) and approved plans. In no event shall a change that increases floor area ratio, ground coverage or trip generation, as the case may be, by less than 15% constitute a substantial change.

**16.11.3.2. Minor Amendments.** Any other modification shall be considered a minor amendment. Minor amendments relating to matters of traffic, circulation, parking and loading shall require the approval of the Director of Transportation and Parking. All other minor amendments shall require the approval of the Director of Planning.

**16.11.3.3. Determination.** With respect to a modification relating to matters of traffic, circulation, parking and loading, the Director of Transportation and Parking shall determine whether such modification constitutes a Major Amendment or a Minor Amendment. With respect to all other modifications, the Director of Planning shall determine whether such modification constitutes a Major Amendment or a Minor Amendment.”

Add the following as Section 16.12:

## **SECTION 16.12 DENIAL LETTERS IN THE ASMD**

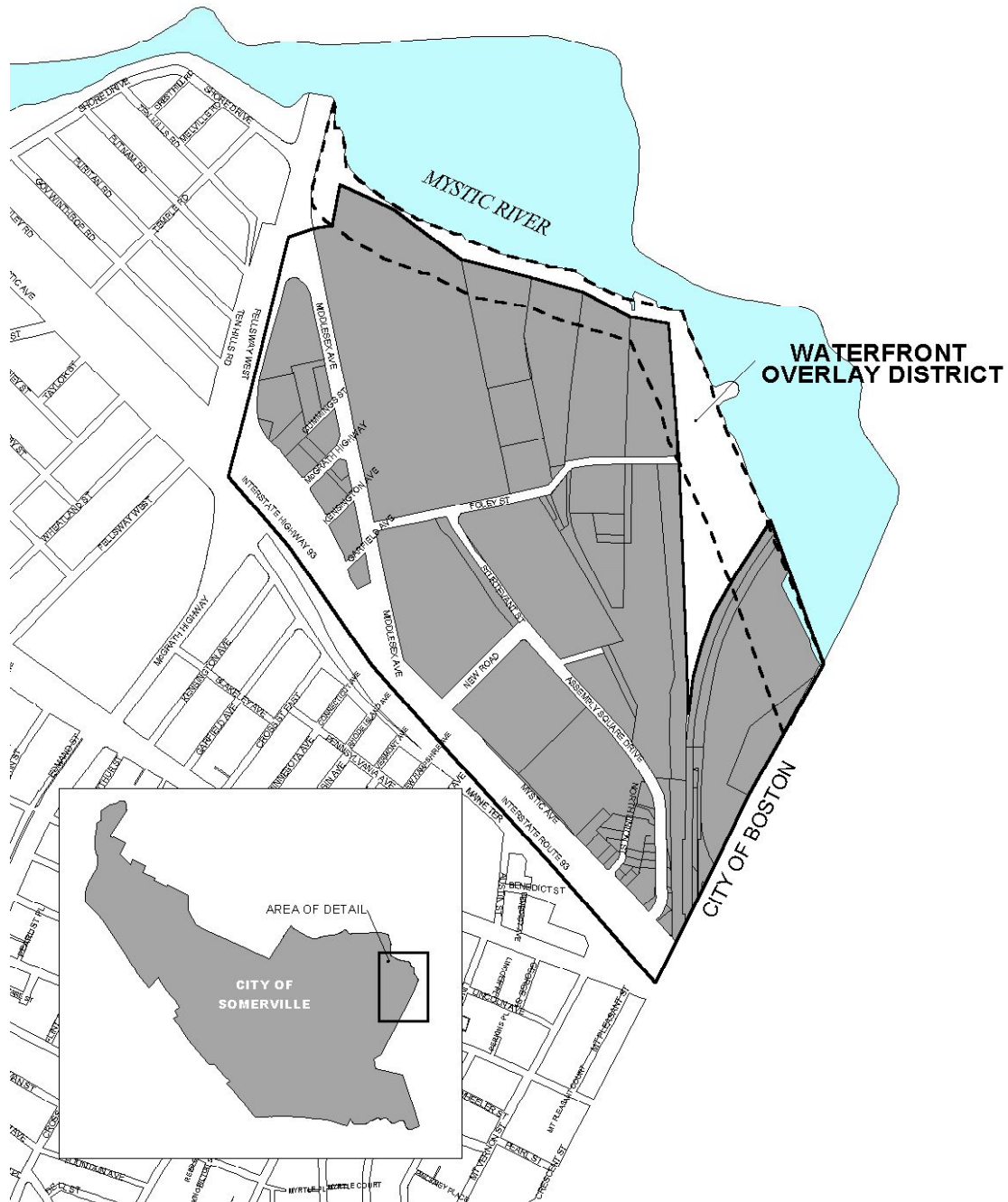
All applications for a preliminary Master Plan Approval shall be required to include a so-called ‘denial letter’ from the Inspectional Services Department indicating which aspects of the proposed PUD require approvals from the SPGA. After submission of the initial Preliminary Master Plan application, no further denial letter shall be required for modifications to, or phases of, the Master Plan, or for any permit application (including an SPSR-A) related to the PUD.”

**APPENDIX A: SOMERVILLE ZONING ORDINANCE MAP**

Amend the Somerville Zoning Ordinance Map to remove the BPA, IPA, and Highway Overlay Districts, to amend the Waterfront Overlay District, and to add the ASMD as defined in Section 6.4.

**MAP/BLOCK/LOT FOR PARCELS IN THE ASD**

68-B-1	68-B-2	68-B-3	68-B-4	
68-B-5	68-B-6			
85-A-1	85-A-2	85-A-2A	85-A-3	
85-A-4	85-A-5 (part)	85-A-6	85-A-7	
86-A-1	87-A-1	87-A-2	87-B-1	
87-B-2	87-B-3	87-C-1	87-D-1	
88-A-1	88-A-2	88-A-4	88-A-5	
99-A-1	99-A-2	99-A-3	99-A-4	
99-A-5	99-A-6	99-A-7	99-A-8	
99-A-9	99-A-9A	99-A-10	99-A-11	
100-A-1	100-A-2	101-A-4	101-A-5	
101-A-6	101-A-7	101-A-8	101-A-9	
101-A-10	101-B-1	101-B-1A	101-B-1B	
101-B-2	101-B-3	101-B-4	101-B-5	
101-B-6	101-B-7	101-B-8	101-B-9	
101-B-10	101-B-11	101-B-12	101-B-13	
101-B-14	101-B-15	101-B-16	101-B-17	
101-B-18	101-B-19	101-B-20	101-B-21	
101-B-22	101-B-23	101-B-24	101-C-1	
101-C-2	101-C-3	101-C-4	101-C-5	101-C-6





**Assembly Square Mixed Use District and Waterfront Overlay District (March 1, 2004)**

**APPENDIX B: TABLE OF PERMITTED USES**



## Table of Permitted Uses

PRINCIPAL USE	ASD
<u>Residential Uses*</u>	
1 & 2 family dwelling units	SPSR-A
3 family dwelling units	SPSR-A
Dwellings, multiple	
4-6 units	SPSR-A
7 or more units	SPSR-A
Town houses	
2 units	SPSR-A
3 units	SPSR-A
4-6 units	SPSR-A
7 or more units	SPSR-A
Mobile homes in service on a temporary basis, for less than 1 year	SPSR-A
<u>Special Residential Conversions</u>	
Existing dwelling converted for up to 2 dwellings	
Existing dwelling converted for up to 3 dwellings	
Existing dwelling converted for 4-6 dwellings	
Existing dwelling converted for 7 or more dwellings	
Conversion of a building owned or previously owned by the municipality in the past 2 years to residential use	SPSR-A
<u>Other Residential Uses</u>	
Boarding house/single room occupancy (SRO) building	
up to 5 persons	SPSR-A
6 or more persons	SPSR-A
Dormitory, fraternity or sorority	
of 6 units or less	SPSR-A
of 7 units or more	SPSR-A
Community or group residence	SPSR-A
Homeless shelter	SPSR-A
Artists housing*	
of 6 units or less	SPSR-A
of 7 units or more	SPSR-A
Congregate housing*	SPSR-A
<u>Accessory Residential Uses</u>	
Up to 3 rooms to rent without kitchen facilities, including tourist homes, in an owner occupied dwelling	
up to 2 rooms	
3 rooms	
Outdoor, off-street parking for no more than one commercial vehicle, not exceeding 1 1/2 tons	SPSR-A
Off-street parking for more than one commercial vehicle, if owned by resident of the premises	SPSR-A

## Table of Permitted Uses

PRINCIPAL USE	ASD
Exterior storage of equipment not customarily associated with home maintenance	SPSR-A
Home occupation (must comply with definition in Article 2)	SPSR-A
Office, within a primary residence of an architect, engineer, attorney, physician, dentist or other recognized profession, provided that all parking requirements of Article 9 are met	SPSR-A
Family daycare	
For 6 or less children	SPSR-A
Shop and storage facilities for a resident tradesman such as carpenter, plumber, electrician, etc. where conducted in such a manner that all dust, fumes, gases, odors, smoke or vapors, noise or vibration are effectively confined to an enclosed building	SPSR-A
Hobby kennel	
<u>Institutional Uses</u>	
Protected uses	
All religious purposes	Y
All education purposes by a nonprofit educational corporation	Y
Child care facility (day care center or school age child care program as defined in M.G.L. c. 28A, s. 9)	Y
Permitted institutional uses	
School, kindergarten, after school center	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Library, museum, art gallery	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Hospital	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Nursing home	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Non-profit community center (e.g. YMCA)	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Private, non-profit club or lodge for members only	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Buildings and uses owned by the City of Somerville	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
<u>Recreational Uses</u>	
Public park, playground, recreational area	

## Table of Permitted Uses

PRINCIPAL USE	ASD
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	Y
Private, non-profit outdoor recreational facility	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Commercial health, exercise, racquet, weight reduction, bowling or similar facility	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Theater, cinema or other public assembly (NOTE: In the case of multiple theater/cinema operations on the same site, the total aggregate footage of all the theaters or cinemas shall determine gross floor area)	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Marinas and dry boat storage	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Concessions, amusements, games except amusement and electronic amusement devices requiring a license under the provisions of Section 8-15 of Chapter 8 of the Code of Ordinances, as amended	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Amusement and electronic amusement devices requiring licensing under Section 8-15 of Chapter 8 of the Code of Ordinances	SPSR-A
<u>Office Uses*</u>	
Office, other than medical	
Less Than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Medical office, medical or health clinic	
Less Than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Biotechnology Uses	
Less Than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
<u>Business Services</u>	
Beauty salon, barber shop, tailor, dressmaker, shoe repair*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Laundry or dry cleaning*	

## Table of Permitted Uses

PRINCIPAL USE	ASD
Self-service laundromat or dry cleaning, pick-up station with processing done elsewhere	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Laundry or dry cleaning with processing on the premises, provided only non-flammable solvents are used for cleaning	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Laundry or dry cleaning with processing on the premises, where flammable solvents are used for cleaning	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Real estate sales or rental, travel agency, insurance agency, ticket agency*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Bank or credit union without drive-up window*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Bank or credit union with a drive-up window	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Photocopying, reproduction and photographic services including commercial photography, but not commercial printing*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Repair of household appliances, small tools or equipment	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Funeral Parlor	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
For-profit school for instruction in arts, skills or vocational training*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A

## Table of Permitted Uses

PRINCIPAL USE	ASD
Newspaper distribution agency	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Office of veterinarian*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Kennel, boarding of household pets, pet store	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Tattoo, body piercing and/or scarification facilities	
Less than 2,500 sq. ft. of gross floor area	SPSR-A
2,500 to 4,999 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
<u>Sales or Rental of Goods or Equipment</u>	
Store selling convenience and grocery goods such as food, candy, newspaper, tobacco products*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
General merchandise, department store, supermarket*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Specialty food stores but not those intended for consumption on the premises, including candy store, meat market, delicatessen or bakery, but not a fast food service*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Package liquor store with no consumption of beverages on the premises*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Store selling or renting goods such as books, stationary, drugs, sporting goods including bicycles and accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories and the like that are typically of a size a customer can carry by hand*	

## Table of Permitted Uses

PRINCIPAL USE	ASD
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Store selling or renting video tapes*	
Less than 2,500 sq. ft. of gross floor area	Y
2,500 to 4,999 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Store selling furniture, home furnishings, carpets or home appliances and equipment, including audio, computer and video equipment*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Mall (see Section 6.4.2)*	SPSR-A
Store selling hardware, paint, wallpaper, lawn and garden supplies*	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Building and construction materials store	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	-
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	-
5,000 to 9,999 sq. ft. of gross floor area	-
10,000 sq. ft. or more of gross floor area	-
Commercial greenhouse or nursery	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Sale or rental of equipment and supplies such as office furniture, home improvement equipment or tools*	

## Table of Permitted Uses

PRINCIPAL USE	ASD
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Farmers' market or roadside stand selling agricultural products (indoor or outdoor)*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Crafts related store selling jewelery, t-shirts, crafts, etc. where production occurs on premises*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
<u>Eating, Drinking &amp; Transient Accomodations</u>	
Restaurant, other than fast order food*	
All operations conducted entirely within an enclosed building	
Less than 2,500 sq. ft. of gross floor area	Y
2,500 to 4,999 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 2,500 sq. ft. of gross floor area	Y
2,500 to 4,999 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Fast order food establishments with no drive-up service, including franchises, subshops, pizza shops and the like*	
All operations conducted entirely within an enclosed building	
Less than 2,500 sq. ft. of gross floor area	Y
2,500 to 4,999 sq. ft. of gross floor area	Y
5,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 2,500 sq. ft. of gross floor area	Y
2,500 to 4,999 sq. ft. of gross floor area	Y
5,000 sq. ft. or more of gross floor area	SPSR-A
Fast order food establishments with a drive-up service, including franchises, subshops, pizza shops and the like, whether conducted in or outside of an enclosed building	
Less than 2,500 sq. ft. of gross floor area	
2,500 to 4,999 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	

## Table of Permitted Uses

PRINCIPAL USE	ASD
Caterer preparing meals for consumption off site*	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Hotel, motel*	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 sq. ft. or more of gross floor area	SPSR-A
Bar, tavern, drinking establishment, nightclub, dance hall, entertainment facility, convention center*	
Less than 2,500 sq. ft. of gross floor area	Y
2,500 to 4,999 sq. ft. of gross floor area	Y
5,000 sq. ft. or more of gross floor area	SPSR-A
<u>Approved Planned Unit Development (Approved PUD)**</u>	Y
<u>Motor Vehicle Related Sales &amp; Service</u>	
Motor vehicle sales and service of new vehicles or vehicles taken in exchange therefor, when conducted on the same lot and in conjunction therewith the repair of motor vehicle engines within a building	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Motor vehicle rental	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Service station, primarily for the sale of fuel, but including other motor oil products and accessories, and minor repairing, lubrication and adjustment (fuel pumps may be outside enclosed building)	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Sales and installation of automotive parts such as tires, mufflers, brakes and motor vehicle accessories	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Motor vehicle maintenance and minor repairs limited to engine tune-up, lubrication and installation of replacement parts, adjustment or replacement of brakes or tires, washing and polishing, but not including engine overhaul, body work or painting	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Substantial motor vehicle repair including engine overhaul, body work and painting	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Used vehicles sales and in conjunction with the repair of motor vehicle engines within a building	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Dismantling and storage of motor vehicles and motor vehicle parts for the purpose of salvage and sale of used parts	
Less than 5,000 sq. ft. of gross floor area	



## Table of Permitted Uses

PRINCIPAL USE	ASD
5,000 sq. ft. or more of gross floor area	
Motor vehicle towing business and short term storage or parking of those towed vehicles (vehicles may be stored outside)	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Structured or open lot (outdoor) motor vehicle parking where the parking spaces are not accessory to a principal use on the same lot and where no sales or service take place	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Limosine rental and minor servicing	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Bus and taxi rental, storage and servicing	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Motor vehicle wash (whether mechanically operated or self-service)	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	
5,000 sq. ft. or more of gross floor area	
<u>Commercial &amp; Institutional Services</u>	
Laundry or dry-cleaning processing center where clothes, carpets or other fabrics are washed or cleaned, excluding customer drop-off and pick-up or self-service facility	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Bakery, wholesale	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
Industrial services such as machine shop, welding	
Less than 5,000 sq. ft. of gross floor area	SPSR-A






## Table of Permitted Uses

PRINCIPAL USE	ASD
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Commercial mover, associated storage facilities and self-storage facility	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Distribution center, parcel delivery, commercial mail delivery center	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
Shop and storage facilities for tradesmen such as carpenter, plumber, electrician, etc. engaged in the construction and repair of residential buildings and other light frame structures with incidental sale of building materials or products on the premises	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
Office, yard and storage facilities for construction company such as a general contractor, landscape contractor	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Fuel oil dealer including sale and repair of heating equipment but not including bulk storage of fuel oil	
All operations conducted entirely within an enclosed building	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Operations, in part or in whole, conducted outside an enclosed building	
Less than 5,000 sq. ft. of gross floor area	
5,000 to 9,999 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Bottle redemption center or collection center for recycling of non-hazardous materials such as glass, aluminum, paper	
Less than 5,000 sq. ft. of gross floor area	SPSR-A

## Table of Permitted Uses

PRINCIPAL USE	ASD
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
Laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	SPSR-A
<u>Wholesale Business &amp; Wholesale Storage</u>	
Wholesale business or storage, including office, sales and display space of such a business, provided that not more than 25 percent of the gross floor area is used for assembly of products, but not including wholesale storage of flammable liquids, gas or explosives	
All operations conducted entirely within an enclosed building	
Less than 25,000 sq. ft. of gross floor area	SPSR-A
25,000 sq. ft. or more of gross floor area	SPSR-A
Operations, in part or in whole, conducted outside an enclosed building	
Less than 25,000 sq. ft. of gross floor area	SPSR-A
25,000 sq. ft. or more of gross floor area	
Open lot (outside an enclosed building) storage of new building material, contractors' equipment, machinery and metals, other than scrap or junk, and similar materials	
Open lot (outside an enclosed building) storage of coal, coke, sand or other solid fuel or similar material, or such storage in silos or hoppers	
Open lot (outside an enclosed building) storage of second hand lumber or other used building materials, junk, scrap paper, rags, unrepaired or unclean containers or other salvage articles; storage of flammable liquid or gas	
<u>Industrial Uses</u>	
LIGHT INDUSTRIAL Light manufacturing when the processes involved are limited to assembly or finishing work of electronic products, appliances, hand tools, furniture and the like	
Conducted entirely within an enclosed building in a manner that all dust, fumes, gases, odors, smoke or vapors, noise or vibration are effectively confined to the enclosed building	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 to 9,999 sq. ft. of gross floor area	SPSR-A
10,000 to 24,999 sq. ft. of gross floor area	SPSR-A
25,000 sq. ft. or more of gross floor area	
Conducted, in part or in whole, outside an enclosed building, provided in compliance with Article 11	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 sq. ft. or more of gross floor area	
GENERAL INDUSTRIAL General industrial uses, including manufacturing, assembly and processing or other industrial operation, such as, but not limited to, the following: food products manufacture, machine or woodworking shop, printing and publishing operation or metal finishing	
Conducted entirely within an enclosed building in a manner that all resulting cinders, dust, fumes, gases, odors, smoke or vapors, noise or vibration are effectively confined to the enclosed building and disposed of so as not to create a nuisance or hazard to safety or health, and further provided that no noise or vibration is perceptible without instruments at a distance greater than 50 feet from the lot line	

## Table of Permitted Uses

PRINCIPAL USE	ASD
Less than 10,000 sq. ft. of gross floor area	
10,000 to 24,999 sq. ft. of gross floor area	
25,000 sq. ft. or more of gross floor area	
Conducted, in part or in whole, outside an enclosed building in a manner that all resulting cinders, dust, fumes, gases, odors, smoke or vapors, noise or vibration are effectively confined to the premises or disposed of so as not to create a nuisance or hazard to safety or health	
Less than 10,000 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
HEAVY INDUSTRIAL Other industrial uses of a noxious character, whether conducted inside or outside an enclosed building, such as, but not limited to, abattoir, foundry, chemical, refining, or rendering operation, where conducted in such a manner that there will not be a nuisance of such magnitude as to create a hazard to safety or health in adjoining premises	
Less than 25,000 sq. ft. of gross floor area	
25,000 sq. ft. or more of gross floor area	
OTHER INDUSTRIAL USES Manufacturing use, including product research, development and testing activities conducted inside an enclosed building, other than biotechnology*	
Less than 10,000 sq. ft. of gross floor area	SPSR-A
10,000 to 24,999 sq. ft. of gross floor area	SPSR-A
25,000 sq. ft. or more of gross floor area	SPSR-A
<u>Communications, Utility &amp; Transportation Uses</u>	
Telephone exchange and facilities serving telecommunications carriers and internet service providers, including but not limited to: switching, relay and telecommunications data storage and distribution centers	
Less than 10,000 sq. ft. of gross floor area	Y
10,000 to 24,999 sq. ft. of gross floor area	SPSR-A
25,000 sq. ft. or more of gross floor area	SPSR-A
Radio or television studio without transmitting or receiving towers	
Less than 5,000 sq. ft. of gross floor area	Y
5,000 sq. ft. or more of gross floor area	SPSR-A
Wireless communications facility	SPSR-A
Commercial ambulance service	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A
Railroad terminals and yards, including operations conducted outside enclosed buildings	
Less than 25,000 sq. ft. of gross floor area	
25,000 sq. ft. or more of gross floor area	
Long-term, open lot (outside an enclosed building) storage of trucks, buses, trailers, etc.	
Less than 10,000 sq. ft. of gross floor area	
10,000 sq. ft. or more of gross floor area	
Substation and pumping station	
Less than 5,000 sq. ft. of gross floor area	SPSR-A
5,000 sq. ft. or more of gross floor area	SPSR-A

## Table of Permitted Uses

PRINCIPAL USE	ASD
<u>Accessory Commercial, Industrial &amp; Institutional Uses</u>	
Accessory retail or business service uses in an apartment dwelling, hotel, motel, office, institutional use or industrial building	SPSR-A
Trailer or other mobile structure used for an accessory use, but excluding temporary construction structure	
For up to one year	SPSR-A
For more than one year	
Accessory assembly or light manufacturing, in conjunction with a permitted business, retail, wholesale or institutional use	SPSR-A
Storage, outside an enclosed building, or inoperable and unregistered motor vehicles accessory to a permitted commercial, industrial or institutional use	SPSR-A

\* Certain qualifying uses in categories or subcategories as marked above may be included as part of a qualifying Priority Development Process as accompanying Uses if permitted under Section 6.4.10, and may be permitted as Priority Permitted Uses only if they qualify under Section 6.4.5 of this Ordinance.

\*\*Except phases of an Approved PUD for which a special permit has not been issued (as defined in Section 6.4) shall be required to comply with the provisions of Section 6.4 to the extent applicable.